

~~CONFIDENTIAL~~

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD WAYNE DOMINGUES, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 RONALD J. RACKLEY, Warden, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

No. C 13-4642 RMW (PR)

ORDER GRANTING MOTION FOR  
EXTENSION OF TIME TO FILE  
OPPOSITION; DENYING MOTION  
FOR APPOINTMENT OF COUNSEL

(Docket Nos. 22, 23)

Petitioner, proceeding pro se, filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 5, 2014, respondent filed a motion to dismiss petitioner's habeas petition as untimely. (Docket No. 21.) Petitioner has filed a motion requesting appointment of counsel and an extension of time to obtain medical records that he claims will justify his delay in filing his habeas petition. (Docket Nos. 22 and 23.)

Plaintiff's motion for appointment of counsel is **DENIED** for want of exceptional circumstances. See Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997). This denial is without prejudice to the court's sua sponte appointment of counsel at a future date should the circumstances of this case warrant such appointment. Petitioner's motion for extension of time to file an opposition to respondent's motion to dismiss is **GRANTED**. Petitioner shall file an opposition **within twenty-eight days** from the filing date of this order. Respondent shall file a reply **within fourteen (14) days** thereafter.

1 This order terminates docket numbers 22 and 23.

2 IT IS SO ORDERED.

3 DATED: FFB 11/12/14

  
RONALD M. WHYTE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

EDWARD WAYNE DOMINGUES,  
Plaintiff,

Case Number: CV13-04642 RMW

**CERTIFICATE OF SERVICE**

v.

RONALD J. RACKLEY, WARDEN,  
Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 12, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edward Wayne Domingues AC 9156  
D5B-126  
California Health Care Facility  
P.O. Box 32080  
Stockton, CA 95213

Dated: November 12, 2014

Richard W. Wieking, Clerk  
By: Jackie Lynn Garcia, Deputy Clerk